

Message Text

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C O N F I D E N T I A L STATE 119753

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SUBJECT: CRITIQUE OF PARAGUAY HUMAN RIGHTS REPORT

1. HUMAN RIGHTS COALITION CRITIQUE OF HUMAN RIGHTS REPORT ON PARAGUAY WAS SENT BY POUCH TO POST. THE COALITION, WHICH INCLUDES WOLA, CRITIQUED 5 REPORT ON LATIN AMERICA AND A TOTAL OF 13 AROUND THE WORLD.

2. CONFIDENTIAL DRAFT ARA COMMENTS ARE CONTAINED IN PARAGRAPH THREE. POSSIBILITY EXISTS THAT SOME OF THIS COMMENTARY WILL BE DRAWN UPON WHEN CRITIQUES ARE DISCUSSED (ORALLY) WITH COALITION DURING THE WEEK OF MAY 15. POSTS COMMENTS ON ARA DRAFT WOULD BE WELCOME.

3A. CRITICISM - THE DEPARTMENT'S REPORT IS EXCESSIVELY OPTIMISTIC.

RESPONSE - THE PERIOD IN WHICH THE 1977 REPORT WAS WRITTEN OFFERED SIGNIFICANT HOPE FOR IMPROVEMET IN CONFIDENTIAL

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THE PARAGUAYAN HUMAN RIGHTS SITUATION. IN SEPTEMBER 1977 PRESIDENT STROESSNER VISITED WASHINGTON FOR THE PANAMA CANAL TREATIES SIGNING CEREMONY. AS A RESULT OF HIS VISIT WITH PRESIDENT CARTER AND SUBSEQUENT DIS-

CUSSION WITH AMBASSADOR TODMAN, STROESSNER AGREED TO RECEIVE A VISIT BY THE IAHRC AFTER THE PARAGUAYAN

ELECTIONS IN FEBRUARY 1978. AT THE TIME OF THE REPORT DEADLINE WE BELIEVED THAT PRESIDENT STROESSNER WOULD PROBABLY KEEP HIS AGREEMENT.

3B. CRITICISM - THE REPORT DOES NOT TAKE INTO ACCOUNT ALTERNATING WAVES OF TERROR AND AMELIORATION.

RESPONSE - THE REPORTS INTRODUCTORY PARAGRAPH ,AKES CLEAR REFERENCE TO THE CYCLES OF PARAGUAYAN REPRESSION.

3C. CRITICISM - THERE ARE NO GROUNDS FOR OPTIMISM ABOUT A "STEADY" IMPROVEMENT IN THE HUMAN RIGHTS PICTURE.

RESPONSE - THE REPORT'S ONLY REFERENCE TO "STEADY" IMPROVEMENT CONCERNED THE CONDITIONS IN EMBOSCADA PRISON. THE ILHR 1977 REPORT NOTED STEADY IMPROVEMENT AT :MBOSCADA. WE CONTINUE TO BELIEVE THAT PRISON CONDITIONS HAVE IMPROVED, BUT THERE REMAINS MUCH ROOM FOR IMPROVEMENT.

THE POSSI0ILITY THAT A PRISONER AT EMUOSCADA CAN EASILY BE RETURNED TO LOCAL CUSTODY, POSSIBLY FOR TORTURE, REMAINS A SERIOUS PRO3LEM. HOWEVER, THE OCCASION FOR ABUSE HAS BEEN REDUCED BY THE ESTABLISHMENT OF EMBOCADA PRISON. THE NEED FOR ELIMINATION OF TORTURE AND BRUTALITY REMAINS.
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3D. CRITICISM - THE REPORT MENTIONS A PARAGUAYAN PROMISE TO REMOVE ONE OF THE LEAST SERIOUS PROBLEMS OBSTRUCTING THE LAWYER-CLIENT RELATIONSHIP.

RESPONSE - THE GOVERNMENT OF PARAGUAY'S PROMISE TO THE ILHR TO ALLOW LAWYERS TO TAKE NOTES WAS MENTIONED NOT AS A MAJOR AND SIGNIFICANT CONCESSION, BUT RATHER AS AN EASILY CHECKED 'CONTROL', REFLECTING PARAGUAY'S INTENTIONS. THERE IS NO QUESTION THAT THE PARAGUAYAN JUDICIAL SYSTEM IS AT BEST INADEQUATE, AND SUFFERS FROM DEEPLY INGRAINED CORRUPTION.

3E. CRITICISM - THE REPORT'S DISCUSSION OF GENOCIDE IS INADEQUATE.

RESPONSE - SPECIFIC CHARGES OF GENOCIDE HAVE BEEN RAISED AGAINST PARAGUAY. THE REPORT ADDRESSED THE STATED CHARGE. THERE WOULD HAVE BEEN A GREAT DEAL OF DIFFICULTY

ADDRESSING THE BROADER CHARGE OF ETHNOCIOE. THE DEPARTMENT IS TROUBLED BY THE DEATHS REPORTED IN TESTIMONY

PUT FORTH BY PROFESSOR SMITH. HIS RESEARCH APPEARS VALID BUT THE DEPARTMENT DOES NOT HAVE THE RESOURCES TO INDEPENDENTLY CONFIRM THIS INFORMATION. THE LACK OF LAW ENFORCEMENT ON PARAGUAY'S FRONTIERS IS A SERIOUS PROBLEM. WE BELIEVE THAT PROFESSOR SMITH' FORTHCOMING REPORT ON ETHNOCIDE IN PARAGUAY WILL LAY CONSIDERABLE BLAME AT THE DOORSTEP OF THE PARAGUAYAN GOVERNMENT. THE PROBABLE CHARGE WILL BE GROSS NEGLIGENCE.

PROFESSOR SMITH'S FIRST REPORT ON HIS STUDY IN PARAGUAY WAS NOT RELEASED UNTIL MARCH 1978, AFTER OUR HUMAN RIGHTS REPORT WAS SUBMITTED TO CONGRESS. OUR INFORMATION WAS BASED ON NEWSPAPER ACCOUNTS OF HIS WORK AND TELEPHONE CONVERSATIONS WITH HIM, AND ACCURATELY RECONFIDENTIAL

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FLECTED WHAT HE TOLD US. HIS MARCH REPORT DOES INDICATE A SERIOUS RATE OF VIOLENT DEATH AMONG THE PRIMITIVE TRIBES, CAUSED BY NON-MEMBERS, BUT CLEARLY DOES NOT CHARGE THIS TO A CALCULATED POLICY OF THE PARAGUAYAN GOVERNMENT.

THE DEPARTMENT'S CONCERN MUST BE BASED ON THE HUMANE TREATMENT OF PEOPLES AND INDIVIDUALS. 'ASSIMILATION' MAY OR MAY NOT BE ETHNOCIDE. WE ARE NOT PREPARED TO DEBATE THE HUMANITY OF PRESERVATION OF THE ACHE LIFESTYLE FOR AS LONG AS POSSIBLE IN THE FACE OF THE EVER ADVANCING COMPLICATIONS "CIVILIZATION" PRESENTS.

3F. CRITICISM - THE REPORT FAILS TO MENTION PERSECUTION OF ACTIVIST CHRISTIAN GROUPS.

RESPONSE - THIS CRITICISM IS SEMANTIC NOT SUBSTANTIVE. THE REPORT APPROACHED FREEDOM OF RELIGION IN THE TRADITIONAL MANNER. THE PROSECUTION OF PEOPLE FOR UNAUTHORIZED POLITICAL ACTIVITY WAS DISCUSSED ELSEWHERE. MANY OF THE PEOPLE PROSECUTED OR PERSECUTED ARE ASSOCIATED WITH RELIGIOUS GROUPS. HOWEVER, THEY WERE ENGAGING IN POLITICAL ACTIVITY IN THE EYES OF THE PARAGUAYAN GOVERNMENT, AND THE PROSECUTION OCCURS BECAUSE PEOPLE ARE ACTIVIST, NOT BECAUSE OF THEIR RELIGION. AN ACTIVIST ATHEIST WOULD BE SUBJECT TO THE SAME HARSH PERSECUTION.

3G. CRITICISM - THE REPORT DOES NOT ADDRESS CORRUPTION.

RESPONSE - THE WOLA CRITIQUE BEGINS BY NOTING THAT REPORT WHERE ABUSES WERE READILY SUBSTANTIATED. IF WE

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CAN DEVELOP RELIABLE REPORTING ON CORRUPTION AND IT HAS AN IMPACT ON HUMAN RIGHTS IT SHOULD BE INCLUDED IN FUTURE REPORTS.

3H. CRITICISM - THE STATEMENT THAT THERE ARE "NO RESTRICTIONS ON MOVEMENT WITHIN THE COUNTRY, PROVIDING AN INDIVIDUAL HAS A VALID ID CARD" IS AN OUTRIGHT MISSTATEMENT.

RESPONSE - CHECKPOINTS ON INTERIOR ROADS ARE A COMMON PRACTICE IN MANY COUNTRIES OF THE WORLD, INCLUDING COUNTRIES WITH GOOD HUMAN RIGHTS RECORDS, SUCH, AS VENEZUELA, WHICH HAVE PERMANENT CHECK POINTS FOR INTERNAL SECURITY REASONS. LARGE PORTIONS OF MANY COUNTRIES, INCLUDING THE UNITED STATES, ARE CLASSIFIED AS MILITARY AREAS AND ARE OFF LIMITS TO CIVILIAN TRAVELERS. VANCE

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